

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

DARRELL J. HARPER #1957729 §
v. § CIVIL ACTION NO. 6:16cv1074
GARY BAKE, ET AL. §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

The Plaintiff Darrell Harper, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges. As Defendants, Harper names TDCJ officials Gary Bake, Keith Gorsuch, Kevin Smith, V.A. McMillian, and Thomas Mahler.

Harper claimed that the Defendants were accepting bribes to mishandle grievances and subjecting him to discrimination in the workplace. He asserted that “penal codes rule of law” violate his constitutional rights because civil rights violations are not actionable in state court.

After review of the pleadings, the Magistrate Judge issued a Report recommending that the lawsuit be dismissed as barred by sanctions previously imposed upon Harper by the Fifth Circuit Court of Appeals. Harper filed objections to this Report asserting that the sanctions imposed by the Fifth Circuit are indisputably meritless because they “accept racism as lawful.” Harper’s objections are patently without merit.

The Court has conducted a careful *de novo* review of those portions of the Magistrate Judge’s proposed findings and recommendations to which the Plaintiff objected. *See* 28 U.S.C. §636(b)(1) (District Judge shall “make a *de novo* determination of those portions of the report or specified

proposed findings or recommendations to which objection is made.”) Upon such *de novo* review, the Court has determined that the Report of the Magistrate Judge is correct and the Plaintiff’s objections are without merit. It is accordingly

ORDERED that the Plaintiff’s objections are overruled and the Report of the Magistrate Judge (docket no. 5) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-styled civil action is **DISMISSED WITH PREJUDICE** as barred by sanctions previously imposed upon Harper by the Fifth Circuit Court of Appeals. It is further

ORDERED that any and all motions which may be pending in this action are hereby **DENIED**.

So **ORDERED** and **SIGNED** this **23** day of **June, 2017**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge